

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Communications Assistance for Law)	ET Docket No. 04-295
Enforcement Act and Broadband Access and)	
Services)	RM-10865

**REPLY COMMENTS OF
University of Nebraska Medical Center**

Introduction and Summary

University of Nebraska Medical Center (UNMC) respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.¹ UNMC supports the comments filed by the Higher Education Coalition and submits this reply to amplify several points based on its own experience and circumstances. We encourage the FCC to clearly exclude the private network operated by our campus from CALEA. Our campus has a good working relationship with federal and local law enforcement and has been able to assist with investigations within the current environment. Applying CALEA to our organization would impose an undue financial burden for implementation.

¹ *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) (“*Order*”).

Discussion

1. UNMC's Experience with Surveillance Requests

Within the past two years we have received no requests for wiretaps of data or telecommunication. We have been able to meet requests from law enforcement for historical information regarding data or telecommunication activity. We do have a plan in place in the event that a wiretap would be requested on a specific port within the data network or a specific phone line. Imposing additional federal regulations for assistance capability are not needed in order for UNMC and law enforcement to successfully work together.

2. A Broad Application of CALEA Would Impose Significant Burdens on UNMC and Divert Funds from Its Critical Educational Mission.

As noted above, UNMC believes that CALEA does not apply to it under the plain terms of the statute and under the most reasonable reading of the *Order*. If the Commission were to apply the language in footnote 100 of the *Order* broadly and conclude that higher education networks such as UNMC must comply with some or all assistance capability requirements, such a ruling would impose significant and unwarranted burdens.

In short, if the FCC were to apply CALEA broadly to higher education networks — contrary to the text of the statute — such a ruling would impose significant burdens that far outweigh its putative benefits. The Commission accordingly should exempt higher education institutions and research networks from CALEA, if it considers them subject to the assistance-capability requirements in the first place.

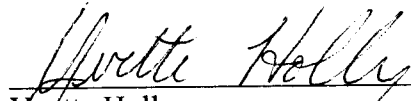
Moreover, if the FCC applies CALEA to private educational networks at all, it should construe the *Order* as applying *at most* to the Internet connection facilities at the edge of the network, for the reasons stated by the Higher Education Coalition. In addition, as proposed by

the Coalition, any such requirement should be phased in over a five-year period as existing equipment is replaced in the normal course of events.

Conclusion

UNMC respectfully requests that the Commission clarify that private networks operated by higher education and research institutions are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

Respectfully submitted,

A handwritten signature in cursive script, reading "Yvette Holly", is written over a horizontal line.

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December 16, 2005